



An  
Bord  
Pleanála

## Inspector's Addendum Report

**ABP-312690-22**

### **Development**

Demolition of the existing single storey detached garage to the side of the existing dwelling of 'The Willows' and the construction of a new detached part single and part two storey three-bedroom dwelling house to the side of 'The Willows' with dormer window to the rear.

### **Location**

'The Willows', Kilmacredock, Leixlip, Co. Kildare, W23 CD5A.

### **Planning Authority**

Kildare County Council.

### **Planning Authority Reg. Ref.**

211608.

### **Applicant**

Aoibhinn Raleigh.

### **Type of Application**

Planning Permission.

### **Planning Authority Decision**

Refuse.

### **Type of Appeal**

First Party.

### **Appellant**

Aoibhinn Raleigh.

### **Observer(s)**

None.

**Date of Site Inspection**

22<sup>nd</sup> day of September, 2022.

**Inspector**

Patricia-Marie Young.

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## 1.0 Preliminary Comment

- 1.1. This is an addendum report to the Inspectors Report, dated the 28<sup>th</sup> day of October, 2022, in respect of First Party appeal case ABP-312690-22, which concluded with a recommendation to refuse planning permission for the proposed development which consists of the subdivision of the curtilage of a residential property called 'The Willows', at Kilmacredock, County Wicklow, the demolition of an existing single storey detached garage, the construction of a detached dwelling, use of the existing entrance serving 'The Willows' and part of its driveway for connectivity to the public road network together with all associated works and services, on the basis of not demonstrating an economic or social need to live in a rural area in a manner consistent with relevant planning provisions.
- 1.2. On the 10<sup>th</sup> day of May, 2023, the Board decided to refer this appeal case back to the inspectorate in order to address the local planning provisions changes that have occurred since the initial Inspectors was discharged to the Board on the 28<sup>th</sup> day of October, 2022.
- 1.3. This report has been prepared on foot of the Boards request for this clarity.

## 2.0 Updated Policy Context

### 2.1. Local

#### 2.1.1. **Leixlip Local Area Plan, 2020-2023, to the 30<sup>th</sup> day of March, 2026 (inclusive).**

The site is located in a parcel of land that falls inside the western boundaries of Leixlip Local Area Plan that is zoned 'I – Agriculture. The zoning objective for such land is “to retain and protect agricultural uses.” The agricultural land zone extends to the east, west and south of the site with the land on the opposite side of the road zoned 'Q' – Enterprise and Employment. The zoning objective for 'Q' zoned land is “to provide for and facilitate the provision of high job-generating uses.”

Table 13.3 sets lists 'dwelling' as an 'open for consideration' land use subject to rural housing policy as outlined in the Kildare County Development Plan, 2017 to 2023.

The LAP defines 'open for consideration' land use as: “uses that are not considered acceptable in principle in all parts of the relevant land use zone. However, such uses

*may be acceptable in circumstances where the Council is satisfied that the proposed use would not conflict with the general objectives for the zone and the permitted or existing uses as well as being in the interests of the proper planning and sustainable development of the area.”*

#### **2.1.2. Development Plan - Kildare County Development Plan, 2023-2029.**

The Kildare County Development Plan, 2023 – 2029, came into effect on 28th day of January 2023.

Chapter 2 of the Development Plan includes the Core Strategy Map (Ref. No. V1-2.1) which identifies Leixlip as a ‘Self Sustaining Growth Town’ in Rural Housing Zone 1 and in a Multi-Modal Transport Corridor.

Section 2.5 of the Development Plan deals with the matter of ‘Compact Growth and Climate Action’ sets out that one of the areas where environmental pollution and climate policy has significant impacts on vulnerable communities is in relation to transportation and: *“for this reason, the promotion of a compact urban form of development, including sustainable rural development, is a central part of reducing the need to travel and mitigating climate change and to enhance public transport options for these areas to encourage the use of same. The policies and objectives of this Core Strategy seek to provide for a consolidated urban form within existing settlements.”*

Section 2.10 of the Development Plan states that: *“it is envisaged that the provision of serviced sites to create ‘build your own home’ opportunities within the existing footprint of rural settlements will provide an alternative to one-off housing in the countryside. A number of the sites have been identified for serviced sites in the county’s small towns, villages, and rural settlements (see maps for each settlement type in Volume 2)”*.

Section 2.11 sets out that the preferred development strategy will include *“development in rural areas with a focus on agricultural.”*

Chapter 3 of the Development Plan deals with the matter of Sustainable Rural Housing.

Section 3.6 of the Development Plan states that: *“growth is directed based on the status of the town or settlement within the settlement hierarchy and the capacity of physical and social infrastructure and the environment to accommodate growth. The Plan will support consolidation through infill development and the redevelopment of*

*areas that are in need of renewal and the sustainable extension of established urban areas.”* In tandem with this objective HO O2 of the Development Plan seeks to ensure that sufficient land is zoned at appropriate locations in compliance with the Core Strategy and Settlement Strategy of the Development Plan, in order to meet the likely future housing demands identified in the Housing Strategy and HNDA.

The subject site is identified as an ‘Area under Strong Urban Influence’ as per Map 3.1 of the Development Plan. In ‘Areas under Strong Urban Influence,’ it will be an objective of the Council to facilitate the provision of single housing in the countryside based on the core considerations of:

- demonstrable ‘economic or social’ need to live in a rural area and build their home, and
- siting, environmental and design criteria for rural housing in statutory guidelines and plans.

Section 3.13.1 of the Development Plan deals with the matter of defining rural housing policy zones states that: *“careful planning is required to manage demand in our most accessible countryside around cities and towns, focusing on the elements required to support the sustainable growth of rural economies and rural communities.”*

Section 3.13.3 of the Development Plan on the matter of compliance with the Rural Housing Requirements states that: *“rural generated housing demand will be facilitated having regard, inter alia, to the applicant’s genuine local and housing need, together with the protection of key economic, environmental, natural and heritage assets, such as the road network, water quality, sensitive landscapes, habitats, and the built heritage. The Department of Housing, Local Government and Heritage have indicated that new Rural Housing Guidelines are being prepared to address rural housing issues and to take account of the Flemish Decree, the NPF and broader settlement context. In the interim, Kildare Development Plan must establish a policy to facilitate those who can demonstrate a genuine housing need and a social and/or economic need to live in rural County Kildare. Urban generated rural housing will not be considered.”*

Section 3.13.3 of the Development Plan also provides a definition of ‘economic’ and ‘social’ need.

In this regard 'economic' is defined as: *"a person (or persons) who is (are) actively engaged in farming/agricultural activity on the landholding on which the proposed dwelling is to be built, meeting either of the following:*

- (i) *A farmer of the land or son, daughter, niece, or nephew of the farmer who it is intended will take over the operation of the family farm.*

*Note: A farmer (for this purposes) is defined as a landowner with a holding of >15ha which must be in the ownership of the applicant's immediate family for a minimum of seven years preceding the date of the application for planning permission. The leasing of agricultural land to supplement lands within an applicant's ownership for farming, may be considered for the purposes of calculating the minimum land area of 15ha. The applicant shall submit details of said lease with the relevant planning application indicating that the lease is in place for a period of 10 years or more from the date of the application.*

*or*

- (ii) *An owner and operator of farming/horticultural/forestry/bloodstock/animal husbandry business on an area less than 15ha, who is engaged in farming activity on a daily basis, where it is demonstrated through the submission of documentary evidence that the farming/agricultural activity forms a significant part of their livelihood, including but not limited to intensive farming".*

In this regard 'social' is defined as: (i) A person who has resided in a rural area for a substantial period of their lives i.e., 16 years within 5km (Zone 1) or 5km (Zone 2) of the site where they intend to build.

This section of the Development Plan also defines 'Urban Generated Rural Housing' for the purposes of this CDP as: *"housing pressure generated by proposals, or an application made for a dwelling in a rural area by persons originating and/or working in urban areas."*

This section of the Development Plan also states that: *"cluster type developments of five houses or less may be considered in rural areas on family farm holdings for*

applicants who are family members or adjacent to urban boundaries where no other land is available and comply with the social or economic element of the rural housing policy, where there has not been speculative sale of sites”.

Table 3.4 of the Development Plan provides a Schedule of Local Need Criteria in accordance with the NPF (NPO 19). On the basis that the applicant does not demonstrate they are applying for a rural dwelling under Category A - Economic of relevance is the following extract from the said Table:

Category B - Social	Zone 1 Areas under Strong Urban Influence	Zone 2 Stronger Rural Areas
(i) A person who has resided in a rural area for a substantial period of their lives within an appropriate distance of the site where they intend to build on the family landholding.	Applicants must have grown up and spent <b>16 years<sup>5</sup></b> living in the rural area of Kildare and who seek to build their home in the rural area on their family landholding.  Where no land is available in the family ownership, a site within <b>5km of the applicant's family home</b> may be considered.	Applicants must have grown up and spent <b>16 years<sup>5</sup></b> living in the rural area of Kildare and who seek to build their home in the rural area on their family landholding.  Where no land is available in the family ownership, a site within <b>5km of the applicant's family home</b> may be considered.

**Table 3.4 - Schedule of Local Need Criteria in accordance with the NPF (NPO 19)**

It is the policy of the Council under HO P11 of the Development Plan to:

*“Facilitate, subject to all appropriate environmental assessments proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new Housing in the Open Countryside in conjunction with the rural housing policy zone map (Map 3.1) and accompanying Schedule of Category of Applicant and Local Need Criteria set out in Table 3.4 and in accordance with the objectives set out below. Documentary evidence of compliance with the rural housing policy must be submitted as part of the planning application.”*

The following Development Plan objectives are relevant:

HO O43: *“Require applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare”.*



HO O44: *“Restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites to an unrelated third party”.*

HO O45: *“Restrict occupancy of the dwelling as a place of permanent residence for a period of ten years to the applicant who complies with the relevant provisions of the local need criteria”.*

HO O46: *“Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the rural area”.*

Section 3.13.4 of the Development Plan deals with the matter of ‘Siting and Design’ and states that: *“the design of all new dwellings in rural areas should respond sensitively and appropriately to the characteristics of the receiving environment.”*

The following Development Plan policies are relevant:

HO P13: *“Restrict further development which would exacerbate or extend an existing pattern of ribbon development, defined as 5 or more houses along 250 metres on one side of any road”.*

HO P14: *“The Council will seek to resist further development which would serve to extend ribbon development, save in circumstances where a “gap site” is evident within the existing ribbon pattern, where one individual dwelling is proposed. Such proposals will be considered, regardless of the density of the area, only in the following circumstances: (i) The applicant can demonstrate an Economic or a Social Need (as outlined in Table 3.4), (ii) existing or shared accesses are used where practicable, and it is demonstrated (through the submission of documentary evidence) that no alternative site exists outside of the ribbon where the development is proposed. (iii) a ‘Gap Site’ is defined as a site located within a line of existing and permitted dwellings, where one dwelling only will be accommodated, and other than agricultural access to lands to the rear (if required), the site should fully occupy the gap between existing and permitted dwellings. (iv) All other technical considerations are addressed. Proposals for development which would extend the ribbon will not be considered under this policy.”*

HO P15: *“Preserve and protect the open character of transitional lands particularly the approach roads to towns and villages and areas immediately outside of settlement boundaries in order to prevent linear sprawl near towns, villages and settlements and to maintain a clear demarcation and distinction between urban areas and the countryside and to protect the integrity of the agricultural uses in these areas”.*

HO P24: *“Promote and facilitate the provision of sustainable alternatives to one off housing through the designation of lands specifically for serviced sites across a series of villages and rural settlements in County Kildare”.*

The following Development Plan objectives are relevant:

HO O50: *“Require that new dwellings incorporate principles of sustainability and green principles in terms of design, services and amenities...”*

HO O51: *“Require all applications to demonstrate the ability to provide safe vehicular access to the site...”*

Section 3.14 of the Development Plan deals with the matter of ‘Rural Residential Density states that in: *“assessing the overall density per square kilometre of single rural dwellings nationally, in 2002, Kildare was just one of six counties to have an average rural density in excess of 7 dwellings per square kilometre”* and that: *“national guidelines and the County Development Plan policy has generally been formulated to manage rural housing to avoid a proliferation of one-off houses, extensive ribbon development, piecemeal and haphazard development that erode the intrinsic character of the Irish countryside, which is both an economic resource and a tourism asset”.*

This section of the Development Plan also states: *“when the density or intensity of one-off houses becomes overly concentrated in any one particular area, the rural character of the area is gradually eroded, as bungalows replace vernacular dwellings, as modern buildings replace traditional local materials, as hedgerows are replaced with a wide range of boundary treatments (including non-native hedging, timber fencing – painted or treated in different colours, metal/weldmesh fencing, brick/concrete block/rendered/pebble dashed walls), and access lanes and boreens are replaced with tarmac driveways. The intrinsic rural character is gradually transformed into a suburban, peri-rural character.”*

This section of the Development Plan provides the following evaluation criteria for the examination of Single Rural Dwelling Density (SRDD) at the scale of a square kilometre surrounding the proposed site for a one- off house:

- *“In general, SRDDs of less than 15 units per square kilometre will be acceptable”.*
- *“In very enclosed landscapes with well-defined hedgerows and/or mature trees, which would partly screen or enclose one-off houses, RRDs of c. 15 – 25 per square kilometre may be open for consideration”.*
- *“Where the RRD exceeds 30 units per square kilometre there will be a presumption against further one-off houses”.* It notes that in certain circumstances the above limits on RRD9 may be exceeded subject to the exceptions outlined in Section 3.14 of Chapter 3 of Volume 1.

It also sets out that: *“this guideline provides a quantitative assessment of qualitative criteria such as piecemeal and haphazard development. It is not intended to be a rigid tool and there may be instances where the existing pattern of development may facilitate some consolidation of one-off housing due to the prevailing pattern in the area, local topographical conditions or in very enclosed country (defined by mature trees and hedgerows). In these instances, the planning authority may deem a site to have the capacity to absorb additional residential unit/s without any significant adverse visual/physical/environmental impact on the countryside. Generally, such one-off housing would be facilitated only in very exceptional circumstances, where there is a significant need demonstrated, for example, those actively engaged in agricultural or in an occupation heavily dependent on the land.”*

Policy HO P26 of the Development Plan states that the Council will seek to: *“sensitively consider the capacity of the receiving environment to absorb further development of the nature proposed through the application of Kildare County Councils ‘Single Rural Dwelling Density’ Toolkit (see Appendix 11) and facilitate where possible those with a demonstrable social or economic need to reside in the area. Applicants will be required to demonstrate, to the satisfaction of the planning authority that no significant negative environmental effects<sup>10</sup> will occur as a result of the development. In this regard, the Council will:*

- *examine and consider the extent and density of existing development in the area,*

- *the degree and pattern of ribbon development in the proximity of the proposed site.”*

## 2.2. Regional

### 2.2.1. **Regional Spatial Economic Strategy – Eastern & Midland Region, 2019-2031:**

RPO 4.80 sets out that Local Authorities shall manage urban growth in rural areas under strong urban influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstratable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

## 2.3. National

### 2.3.1. **National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government, (2018):**

Of relevance to this appeal case is National Policy Objective 19. This national policy objective refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e., commute catchment of cities and large towns and centres of employment. This will be subject to siting and design considerations. In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

### 2.3.2. **Sustainable Rural Housing Guidelines, (2005):**

The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Of relevance to this appeal case is that the site is located in an area classified as an under **Strong Urban Pressure**. Section 3.3.3 of these guidelines deals with ‘Siting and Design.’

For clarity I also note the Department of Housing, Planning, Community and Local Government. Circular Letter PL 2/2017. In this regard, further to the ECJ Judgement in the Flemish Decree case, the European Commission re-engaged with the

Department regarding the 2007 infringement notice and its previously expressed concerns in relation to the “*local needs criteria*” in the 2005 Guidelines, particularly requirements incorporated in local authority development plans further to these criteria that persons wishing to apply for planning permission for a house in designated rural areas should fulfil a prior minimum residency requirement in the rural area in question or have familial ties to that specific rural area. Requirements that planning applicants have occupational or employment related ties to the rural area in question is not considered problematical in this context as such criteria are non-discriminatory between locals and non-locals. Planning authorities were advised that the existing 2005 Guidelines remain in place and that pending the conclusion of the two national policy review processes (the Working Group deliberations and the publication of the NPF) and advised otherwise by the Department, they should defer amending their rural housing policy/ local housing need criteria in existing statutory development plans either by way of the cyclical review or variation procedures. This was considered prudent in order to avoid planning authorities adopting different approaches on the matter in the interim.

- 2.3.3. **Code of Practice** – Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), 2021.

### 3.0 **Assessment**

- 3.1. This assessment examines the proposed development against the amended local planning policy provisions given that the original report was prepared when the Leixlip Local Area Plan, 2020-2023, and Kildare County Development Plan, 2017-2023, was in effect. This plan has been superseded by the Kildare County Development Plan, 2023-2029, which came into effect on 28th day of January 2023. In addition, at the time my report was discharged Kildare County Council in accordance with Section 19 of the Planning & Development Act, 2000, adopted a resolution to extend the life of this Local Area Plan by a further 3 years (Note: to the 30th day of March, 2026 (inclusive)). The purpose of the extension of the LAP was to provide certainty and opportunity to realise its strategic objectives, which were considered to accord with the proper planning and sustainable development of the area, in a manner consistent with planning policy provisions and guidance.

- 3.2. For clarity purposes I note that the proposed development which consists of the subdivision of the curtilage of a residential property called 'The Willows', at Kilmacredock, County Wicklow, the demolition of an existing single storey detached garage, the construction of a detached dwelling, use of the existing entrance serving The Willows and part of its driveway for connectivity to the public road network together with all associated works and services.
- 3.3. As set out in original Inspectors report the site, which is referred to in the documentation accompanying this application is called 'The Willows', and its setting forms part of a larger parcel of land that is agriculturally zoned (Note: 'I') and in relation to applications for rural dwellings Table 13.3 of this LAP sets out that dwellings on such zoned land is 'open for consideration' subject to the rural housing policy provisions outlined in the Development Plan.
- 3.4. In terms of land use zoning I consider it is also incumbent to note that the site is located in a transitional land use zoning area given that the opposite side of the local road upon which access is dependent upon and which lies in close proximity to the north of the proposed subdivision plot for the proposed dwelling is zoned for high job generating uses (Note: 'Q').
- 3.5. In relation to the recently adopted Development Plan, the site is located on land that is referred to in the Development Plan as 'Zone 1 – Areas under Strong Urban Influence'. This is consistent with the Sustainable Rural Housing Guidelines, (2005), which under Map 1 which sets out indicative outline of NSS rural area identifies this locality as forming part of a larger area under Strong Urban Influence.
- 3.6. In a manner consistent with the said Guidelines and the National Planning Framework the Development Plan sets out that it will be an objective of the Council to facilitate the provision of single housing in the countryside based on the core considerations of demonstrable 'economic' or 'social' need to live in a rural area and build their home, and also subject to siting, environmental and design criteria for rural housing that are provided at a local through to national level.
- 3.7. In addition, the Development Plan in manner consistent with the National Planning Framework and the Regional Spatial Economic Strategy recognise that there is a continuing need for housing provision for people to live and work in Ireland's countryside. It also recognises that careful planning is required to manage demand in

accessible countryside around cities and towns with focus to be had on the elements required to support the sustainable growth of rural economies and rural communities.

- 3.8. In addition, the Development Plan sets out that fundamental to this is: *“is the understanding that the rural landscape is a finite and to some extent now, limited resource and it is therefore critical and vitally important that this plan meets the housing needs of those who have a demonstrable and genuine economic or social need to reside in a rural area”*.
- 3.9. Having examined the documentation accompanying this application the applicant does not meet the definition set out under Section 3.13.3 of the Development Plan as having an economic need for rural dwelling. This is on the basis that they are not a person actively engaged in farming/agricultural activity on the land that the proposed dwelling is to be built nor on any agricultural land holding.
- 3.10. In addition, the site itself relates to land that contains a rural one-off dwelling and though zoned agriculture under the LAP its land use is established residential containing the applicant’s family home. The applicant purports to live at this dwelling with their parents with neither party demonstrating any tangible economic links or ties to any rural enterprise or parcel of agricultural land in the vicinity.
- 3.11. In relation to Section 3.13.3 of the Development Plan definition of ‘social’ need for an applicant for a rural dwelling is given as a person who has resided in a rural area for a substantial period of their lives i.e., 16 years within 5km (Zone 1) of the site where they intend to build.
- 3.12. As said the site forms part of ‘The Willow’s which contains the applicant’s family home and its associated curtilage which includes the garage structure for which demolition is sought to facilitate the proposed dwelling house sought under this application.
- 3.13. This existing dwelling house appears to have been permitted and constructed circa 40 years prior to the making of this application which is now before the Board by way of this First Party Appeal. ‘The Willows’ site has a given site area of 1,900m<sup>2</sup> with this application relating to a 0.46ha portion of it.
- 3.14. It is contended that the applicant has resided in the family home since 2003 and that she is working for a company with an office in Nassau Street, in Dublin’s city centre, which is over 20km to the east of the site by road from the site but also remote works

from home. The other identified occupant of the proposed dwelling is employed in a family business in Athgoe, circa 13km to the south of the site.

- 3.15. In relation to the future occupants of the proposed dwelling I consider that there are settlements with residentially zoned land and available residential building stock closer to both places of employment. The applicants letter accompanying their planning application indicates that it is her plan to buy or build a house locally in the Leixlip/Celbridge area. They provide a number of documents purporting to show that they reside at 'The Willows' as their permanent residence. None of these documents provided support that the applicant has a genuine economic need for a one-off dwelling house on agricultural zoned land.
- 3.16. However in relation to 'social' need, given that Section 3.13.3 of the Development Plan which has regard to the still on-going situation whereby the Department of Housing, Local Government and Heritage have indicated that new Rural Housing Guidelines but these have yet to be prepared and finalised to address rural housing issues including that arising from the Flemish Decree, the NPF and broader settlement context it states that: "*in the interim, Kildare Development Plan must establish a policy to facilitate those who can demonstrate a genuine housing need and a social and/or economic need to live in rural County Kildare. Urban generated rural housing will not be considered.*"
- 3.17. In addition, this Section of the Development Plan defines 'social' as "*a person who has resided in a rural area for a substantial period of their lives i.e. 16 years within 5km (Zone 1) or 5km (Zone 2) of the site where they intend to build*" and Table 3.4 - Schedule of Local Need Criteria requires the site is within 5km of the applicant's family home. This accords with the provisions of NPO 19 of the NPF.
- 3.18. Of concern, whilst it would appear on the basis of the information provided that the applicant meets the definition of social the information provided by them does not support a genuine need as opposed to desire to build at this unserved location and a rural area outside of the settlement of Leixlip that has been subject to significant pressure from haphazard and piecemeal developments like that proposed under this application. It is generally accepted that the word 'need' relates to something that is essential rather than desirable with the applicants need for a dwelling house not being set out as being locational specific.



- 3.19. I note that policy HO P11 of the Development Plan seeks to facilitate in accordance with NPF Policy NPO 19 for new Housing in the Open Countryside in conjunction with the rural housing policy zone map and accompanying Schedule of Category of Applicant and Local Need Criteria set out in Table 3.4 and in accordance with a number of objectives including HO O44 which restricts residential development on a landholding, where there is a history of development through the speculative sale and objective HO O46 which sets out that the Council will recognise and promote the agricultural and landscape value of the rural area as well as prohibit the development of urban generated housing in the rural area.
- 3.20. Along this stretch of road, the linear pattern of development of what appears to be urban generated housings that 'The Willows' forms part of has diminished the visual amenities of this rural landscape and would appear to have arisen from speculative sale of sites in a linear manner along the southern side of this local road.
- 3.21. As such I consider that the proposed development would add to the unsustainable speculative residential development of agricultural land that has occurred at this rural location. A rural landscape that is clearly under significant pressure from urban generated rural housing and in a county where there are various opportunities for residential development to occur on residentially zoned land within settlement.
- 3.22. Moreover, Chapter 3 of the Development Plan sets out that: "*all applications for rural one-off dwellings will be considered, subject to the policies and objectives set out in the County Development Plan. Applicants will be expected to comply with all other requirements of the plan and demonstrated that the development would not prejudice the environment and the rural character of the area. In this regard, factors such as the sensitivity of the receiving environment, the nature and extent of the existing development and the extent of development on the original landholding will be considered.*" This is reiterated in Policy HO P12 of the Development Plan.
- 3.23. In this regard I note Section 3.13.4 of the Development Plan sets out siting and design for new dwellings in rural areas with the overarching aim of ensuring that they respond sensitively and appropriately to the characteristics of the receiving environment as well as that they have appropriate regard to the detailed guidance is provided in the Kildare Rural Housing Design Guide in Appendix 4.

- 3.24. Of concern policy HO P13 seeks to restrict further development which would exacerbate or extend an existing pattern of ribbon development, defined as 5 or more houses along 250 metres on one side of any road.
- 3.25. The proposed development would conflict with this policy as it would exacerbate a linear stretch of more than five dwellings along a 250m stretch of the local road upon which it would be dependent for access onto the public road network.
- 3.26. In addition, policy HO P14 of the Development Plan sets out that the Council will seek to resist further development which would serve to extend ribbon development, save in circumstances where a 'Gap Site' is evident within the existing ribbon pattern, where one individual dwelling is proposed. The site is not a gap site but forms part of the curtilage of a one-off rural dwelling permitted circa 40 years ago with this site being adjoined on either side by one-off rural dwellings on similarly generous plots of what was once agricultural land in the hinterland of Lexlip and containing ancillary structure and spaces associated with host dwelling 'The Willows'.
- 3.27. The proposed development relates to the garage structure and part of the associated garden space of this permitted and since extended dwelling house as well as relates to a land where a similar application has been previously refused by the Planning Authority in the past.
- 3.28. I am not satisfied that the site corresponds with the definition set out for a 'Gap Site' under this policy which defines such sites as located within a line of existing and permitted dwellings, where one dwelling only will be accommodated, and other than agricultural access to lands to the rear (if required), the site should fully occupy the gap.
- 3.29. It is of note that this aforementioned policy also requires applicants demonstrate an economic or a social need for the dwelling house.
- 3.30. As raised as a concern previously the documentation provided does not set out a genuine need as opposed to a desire for a dwelling at this location with the applicant setting out that it is their intention to either buy or build in the Lexlip/Celbridge area. As such their need for a dwelling is not locational specific to this locality and this need appears to be flexible to existing and/or a new build.

3.31. As such this brings forward conflicts between the proposed development and the Development Plans Core Strategy as set out in Chapter 2. The following is of particular relevance to the development sought under this application:

- Section 2.3.1 in line with the National Planning Frameworks National Strategic Objectives (NSO) will direct development where possible to the existing built-up areas of settlements as set out in the Settlement Hierarchy in Table 2.7. In addition, the Council will seek compact development in a manner that accords with regional and national planning provisions as well as guidance.
- Section 2.5 sets out that central to sustainable rural development is reducing the need to travel and mitigating climate change.
- Section 2.10 deals specifically with the matter of rural settlement in the countryside and recognises the continued and considerable development pressure for single homes in the rural areas across County Kildare. In a manner that accords with National Policy Objective (NPO) 18b of the NPF it sets out that provision for developing a programme for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live-in small towns and villages will be made within the existing footprint of rural settlements to provide an alternative to one-off housing in the countryside. A number of the sites have been identified for serviced sites in settlements across the County.
- Section 2.11 sets out that the preferred development strategy will focus on a number of factors including but not limited to achieving critical mass in Leixlip; focusing development in rural areas on agricultural activities; and strengthening towns and villages.
- Table 2.8 – Core Strategy lists Leixlip is a Self-Sustaining Growth Town with an additional population target of 2,565 persons and a housing/population target of 10.2% during the plan period. It also lists that it contains 31ha of residentially zoned land.
- Core Strategy and Settlement Strategy objectives include:
  - **CS 01** which seeks to ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy which aligns with the regional growth strategy

as set out in the National Planning Framework and Regional Spatial and Economic Strategy for the Eastern and Midland Region and further specified in the 'Housing Supply Target Methodology for Development Planning'.

- **CS 02** which seeks to ensure that the future growth and spatial development of County Kildare provides for a county that is resilient to climate change, enables the decarbonisation of the county's economy and reduces the county's carbon footprint in support of national targets for climate mitigation and adaptation objectives as well as targets for greenhouse gas emissions reductions.
- **CS 04** seeks to ensure that sufficient zoned and adequately serviced lands are available to meet the planned population and housing growth of settlements throughout the county in line with the Core Strategy and the Settlement Hierarchy.
- **CS 05** seeks to promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas in cooperation with state agencies, while also maintaining a 'live' baseline dataset to monitor the delivery of population growth on existing zoned and serviced lands to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements.

The proposed dwelling does not accord with the Core Strategy in regards to rural development given the lack of genuine need for the rural one-off dwelling on unserviced land, the inappropriateness of the location given that it would exacerbate linear development in the hinterland of a settlement, a settlement that has provision to accommodate significant future residential growth in a manner synergistic with the provision of public infrastructure, services, amenities and the like that are beneficial to residential development whilst addressing the issues that arise from car dependent residential sprawl that lacks any tangible connectivity to sustaining locational rural enterprises through to it would be contrary to the Development Plans direction of this type of development into settlements that can more sustainably absorb them.

- 3.32. In addition, Section 3.14.4 of the Development Plan includes policy HO P15. This seeks to preserve and protect the open character of transitional lands particularly the approach roads to towns and villages and areas immediately outside of settlement boundaries in order to prevent linear sprawl near towns, villages, and settlements. As well as seeks to maintain a clear demarcation and distinction between urban areas and the countryside and to protect the integrity of the agricultural uses in these areas.
- 3.33. As already noted the proposed development would contribute to linear sprawl outside of the settlement of Leixlip on land zoned agricultural and located in close proximity to the Leixlip Local Area Plan boundaries therefore conflicting with this Development Plan policy. The surrounding rural land is already proliferated with one off dwellings dependent on proprietary waste water and water supplies. With these dwellings also resulting in loss of biodiversity by way of removal of indigenous hedgerows and trees with more suburbanised boundary solutions preferred to demarcate them.
- 3.34. In terms of access the Development Plan requires rural applications to demonstrate the ability to provide safe vehicular access to the site (HO O51).
- 3.35. Whilst a shared access is proposed as set out in the original report I am not satisfied based on my inspection of the site and its setting together with examination of the documentation provided that the additional traffic volumes the proposed development would generate, albeit modest, given it's the restricted width, curving alignment to the east, the heavy volumes of traffic alongside the multiple number of vehicle entrances along this side and stretch of road serving the linear pattern of residential development along it. Further the heavy traffic of this local road reflects its close proximity and connectivity to the R449 Celbridge Interchange and Junction 6 of the M4.
- 3.36. The PA are not satisfied the applicant meets with the requirements for a dwelling house at this location, in particular the design and siting requirements of the previous Development Plan.
- 3.37. This is clearly reflected in their two stated reasons for refusal and their response to the grounds of this appeal seek that the Board uphold its decision. The siting and design considerations in the recently adopted Development Plan carry through as well as are in my view more robust in relation to this type of development.
- 3.38. Having regard to the Planning Authority's reasons for refusal the first reason centres in my view upon this type of planning application alongside satisfying the local need

criteria also have to satisfy normal siting and design criteria. They questioned the capacity of this rural area to absorb further one-off rural dwellings alongside considered that it would add to linear development as well as the degree of haphazard and piecemeal development in an area lacking public services and community facilities.

3.39. Moreover, they considered that cumulative this development would add to the suburbanisation of this rural locality in a manner that conflicted with the provisions of the Development Plan.

3.40. In addition, the second reason for refusal added to the concerns raised in the first reason and considered that the proposed development would contribute to linear sprawl outside an urban centre in a manner that would be contrary to provisions of the Development Plan that seeks to retain a clear demarcation and distinction between urban areas and the countryside.

#### 3.41. **Conclusion**

3.41.1. Taking the above considerations into account, it is my opinion that both reasons for refusal given by the Planning Authority in their decision notification relate to local planning provisions that have been carried through into the Kildare County Development Plan, 2023-2029, but they are now more robust as well as more aligned with regional and national planning provisions as well as guidance in relation to this type of development. Essentially, the Development Plan provisions seek more sustainable compact development, protection of agricultural land and the countryside as a precious finite resource from unsustainable car dependent development whether there is no infrastructure, services, amenities, and the like to synergistically support them. With the proposed development, if permitted, being a type of linear ribbon development that the Development Plan seeks to avoid on the outskirts of settlements.

3.41.2. Further, the proposed development could give rise to undesirable precedent for other similar developments seeking to increase the residential density of unserviced rural plots that would in turn result in situations like this where the extent of such development effectively has resulted in the unsustainable suburbanisation of the open countryside.

3.41.3. In this context I consider the Planning Authority's reasons for refusal are of merit and the recently adopted Development Plan places includes more stringent provisions for

rural and residential development in general as part of the settlement strategy for County Kildare. With this settlement strategy seeking to channel residential development to locations where they can be sustainably absorbed in settlements with capacity to absorb them in a more compact manner.

- 3.41.4. This is added to the concerns raised in relation to the demonstration of a genuine economic and/or social need for a rural dwelling house at this location which is a requirement under HO P12 and the NPF under National Policy Objective 19 against the context that the applicants need for a dwelling house could be as they say met by buying or building in the localities of Leixlip and Celbridge through to the distance between the applicants place of employment, the site and the availability of residentially zoned land in between.
- 3.41.5. In conclusion I recommend that the Board refuse permission for the proposed development on the basis of these concerns.

## 4.0 Recommendation

- 4.1. Having regard to the conclusion above; having regard to my previous Inspectors Report and recommendation on this planning application dated the 28<sup>th</sup> day of October, 2022; and having had regard to the recently adopted Kildare County Development Plan, 2023 to 2029, particularly the more robust provisions contained therein for this rural and residential development alongside the alignment of these provisions with regional and national planning policy provisions as well as guidance I propose an additional reason and consideration for refusal which I have set out under Section 5 of this report below as the first reason and consideration for refusal. With the previous recommended reason and consideration listed below it on the basis of my considerations above in terms of the applicant failing to demonstrate a genuine rural housing need as per local through to national planning policy provisions and guidance.
- 4.2. I therefore recommend that planning permission be **refused** for the development sought under this application as per the reasons and considerations set out under Section 5 of this report and that my previous report be **amended** to reflect this.

## 5.0 Reasons and Considerations

1. The Kildare County Development Plan, 2023-2029, under Section 3.13 and Policy HO P12, notwithstanding compliance with settlement strategy's local need criteria, sets out that applicants for new rural dwellings must demonstrate compliance with all other normal siting and design considerations for rural housing, including the capacity of the area to absorb further development.

Policies HO P13, HO P14 and HO P15 of the Development Plan seek to control ribbon and linear patterns of residential development as well as preserve and protect the open character of lands on the outskirts of settlements from piecemeal and haphazard rural development.

In addition, the Core Strategy and Settlement Strategy objectives under CS O2 and CS O5 seeks climate resilient and compact development of settlements within County Kildare where land is zoned for residential purposes and where there is capacity to absorb such development more sustainably.

The proposed development when taken in conjunction with existing development in the area would exacerbate urban car dependent sprawl outside of the settlement of Leixlip and would add to the linear ribbon *ad hoc*, piecemeal, and haphazard residential development that has occurred in this area which has diminished the open character of this rural setting as well as resulted in proliferation of residential development in a confined area dependent upon proprietary waste water treatment systems.

In this case the proposed development would materially contravene policies HO P12, HO P13, HO P14 and HO P15 as well as Core Strategy and Settlement Strategy objectives CS O2 and CS O5 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site within an Area Under Strong Urban Influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage, and Local Government 2005, to National Policy Objective 19 of the National Planning Framework (2018) which, for rural areas under urban influence, seeks to



facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, the Board could not be satisfied on the basis of the information on the file that the applicant comes within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines.

The proposed development, in the absence of any identified local based need for the rural dwelling house at this location, would result in haphazard and unsustainable form of development in an unserved area, would contribute to the encroachment of random rural development in the area, would exacerbate ribbon development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

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Patricia-Marie Young  
Planning Inspector

6<sup>th</sup> day of September, 2023.